

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

CLAUDE CARTER,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-06-977-M
)	
JUSTIN JONES, et al.,)	
)	
Defendants.)	

ORDER

On September 21, 2006, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 1983. The Magistrate Judge recommended that this matter be (1) dismissed without prejudice for failure to state a claim as to Plaintiff's claims under 42 U.S.C. § 1983, and (2) dismissed with prejudice as premature as to Plaintiff's § 2241 claims.¹ The parties were advised of their right to object to the Report and Recommendation by October 11, 2006. On October 13, 2006, Plaintiff filed his objections.²

Having carefully reviewed this matter *de novo*, the Court:


- (1) ADOPTS the thorough and well-reasoned Report and Recommendation issued by the Magistrate Judge on September 21, 2006;
- (2) DISMISSES the Complaint without prejudice as to Plaintiff's § 1983 claims; and

¹Plaintiff's request for relief in the form of expungement of an institutional disciplinary misconduct and sanctions imposed for the misconduct was construed as a request for relief pursuant to 28 U.S.C. § 2241.

²The Court granted Plaintiff's request for additional time to file his objections.

(3) DISMISSES the Complaint with prejudice as to Plaintiff's § 2241 claims.

IT IS SO ORDERED this 18th day of October, 2006.


VICKI MILES-LaGRANGE
UNITED STATES DISTRICT JUDGE